

OFFICIAL COPY

Fresno, California

October 5, 1999

The City Council met in regular session at the hour of 9:13 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

A representative of Northside Christian Church gave the invocation.

Mr. Markarian led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF "FRESNO CHAMBER OF COMMERCE WEEK"

PROCLAMATION OF "ITALIAN-AMERICAN DAY" - COUNCILMEMBER QUINTERO

PROCLAMATION OF "ANTHONY LALLO DAY" - ACTING PRESIDENT MATHYS

RESOLUTION OF APPRECIATION TO MEMBERS OF THE SIKH COMMUNITY - MAYOR PATTERSON

(ADD-ON) PRESENTATION BY NATHAN STAIRS OF POLICE CARDS TO COUNCILMEMBER QUINTERO

The above items were read and presented.

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**RECESS - 9:40 A.M. - 9:52 A.M.** Councilmember Quintero arrived later.

Councilmember Bredefeld recognized and welcomed visiting students from Hoover High School.

**APPROVE MINUTES OF SEPTEMBER 28, 1999:**

A motion and second to approve the minutes was acted upon after discussion.

President Steitz advised he would be scheduling the Granville Homes issue on the next agenda for closure stating the motion that failed was to approve, *not deny*, the project. Councilmember Bredefeld requested a ruling from the City Attorney with Ms. Montoy stating in her opinion the project was denied because the motion failed. Brief discussion ensued on Council's authority to overrule an opinion from the City Attorney. President Steitz stated Council had the option of not accepting legal opinions anytime, noted Council did this all the time, and stated he would still be scheduling the item on the next agenda. Councilmembers Perea and Bredefeld expressed their opposition stating they felt President Steitz' actions were inappropriate, with Councilmember Bredefeld adding if the issue was scheduled he would make a motion to postpone it indefinitely.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of September 28, 1999, approved as submitted.

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**APPROVE AGENDA:**

**(1A-2) AWARD A REQUIREMENTS CONTRACT FOR OFFICE SUPPLIES**

Removed from the agenda at the direction of staff.

DIRECTION TO CITY MANAGER TO LOOK INTO AND REPORT BACK IN TWO WEEKS ON FUNDING SOME OF THE RECOMMENDATIONS OF THE ECONOMIC RECOVERY PROJECT - COUNCILMEMBER BREDEFELD

Direction made.

REDEVELOPMENT AGENCY ASSISTANCE TO DAN GREEN, GREEN'S RECYCLING - ACTING PRESIDENT MATHYS (*DISCUSSED AGAIN LATER*)

Acting President Mathys advised he had spoken with Mr. Green who stated he had had no help so far from the Redevelopment Agency as directed, and that he would schedule the item on the Agency agenda in two weeks.

**(5A) DIRECT CITY ATTORNEY TO RETURN WITH AVAILABLE OPTIONS REGARDING THE GENERAL PLAN - COUNCILMEMBER PEREA**

Removed from the agenda at the direction of Councilmember Perea.

**(5F) DIRECT CITY MANAGER OR DESIGNEE TO COMPLETE STUDY FOR UPGRADE OF THE SELLAND ARENA - COUNCILMEMBER PEREA**

Removed from the agenda at the direction of Councilmember Perea who stated the issue would be addressed under **Item 1A-4**.

**(5I)** AMEND COUNCIL RULES AND PROTOCOL TO PLACE A TIME LIMIT ON COUNCILMEMBER TESTIMONY AT 7 MINUTES FOR OPENING STATEMENTS AND 5 MINUTES FOR REBUTTAL STATEMENTS, FOR A TOTAL OF 12 MINUTES PER AGENDA ITEM - ACTING PRESIDENT MATHYS

Councilmember Perea made a motion to remove the item from the agenda and President Steitz advised a super-majority vote of the Council was needed.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, **Item 5I** removed from the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	Quintero

President Steitz advised the existing rules were more restrictive than what was being proposed.

REDEVELOPMENT AGENCY ASSISTANCE TO DAN GREEN, GREEN'S RECYCLING - COUNCILMEMBER BREDEFELD (*CONTINUED FROM EARLIER -- DISCUSSED AGAIN LATER*)

Councilmember Bredefeld concurred with Acting President Mathys' comments stating it was his expectation, and he thought direction was very clear, that the Agency would work with Mr. Green in locating a site, stressed he did not want to hear in two weeks this had not been done, and added if it was not done the Council/Agency might have to look at the Whitesbridge site again. President Steitz noted this issue had not been agendized and discussion should occur under **Item 5J**.

**(5D)** REQUEST CITY MANAGER OR DESIGNEE TO NEGOTIATE WITH THE LEGAL OWNER FOR THE RELOCATION OF A 3-TON JAPANESE LANTERN TO THE SHIN ZEN GARDEN IN WOODWARD PARK - ACTING PRESIDENT MATHYS AND COUNCILMEMBER RONQUILLO (*DISCUSSED AGAIN LATER*)

Councilmember Ronquillo directed, with Acting President Mathys' concurrence, the issue be removed from the agenda since it was in litigation; noted the issue of a final home site for the lantern could be rescheduled in the future, and briefly commented on the issue. Councilmember Quintero returned to the meeting at 10:05 a.m.

REDEVELOPMENT AGENCY ASSISTANCE TO DAN GREEN, GREEN'S RECYCLING - COUNCILMEMBER RONQUILLO (*CONTINUED FROM EARLIER*)

Councilmember Ronquillo stated, as Agency Chair, he would concur with the majority's direction as that was his job, **(2 - 0)** and requested the Agency/Council keep in mind the issue of special treatment for a business when precautions should have been taken before assuming approval of a project.

JAPANESE LANTERN - ACTING PRESIDENT MATHYS AND COUNCILMEMBER BREDEFELD

Acting President Mathys stated he hoped anyone involved would be fairly compensated and that the lantern would ultimately end up in the Japanese Garden for the people of Fresno and to honor the Japanese heritage.

Councilmember Bredefeld advised he was a member of the Shin Zen Garden and did not object to the lantern being located there, and expressed concern with Councilmembers placing an item relating to his district on the agenda without his knowledge and requested he be consulted in the future as any Councilmember should be.

**(5:45 P.M.) HEARING ON PLAN AMENDMENT A-99-09 AND REZONING APPLICATION NO. R-99-18 FILED BY CENTRAL PACIFIC BUILDERS, INC. ON BEHALF OF DON ALUISI, ET AL., AND THE CITY OF FRESNO ON BEHALF OF THE CLOVIS UNIFIED SCHOOL DISTRICT AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, PROPERTY LOCATED TO THE NORTHWEST OF THE N. MAPLE AND E. INTERNATIONAL AVENUES INTERSECTION (REQUEST TO CONTINUE TO 10/19/99, AT 5:45 P.M.)**

1. CONSIDER MITIGATED NEGATIVE DECLARATION E.A. NO. A-99-09, R-99-18, RR-4884, C-98-263
2. RESOLUTION - AMENDING THE 1989 WOODWARD PARK COMMUNITY PLAN AND THE 1984 FRESNO GENERAL PLAN
3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM

Continued to October 19, 1999, at 5:45 p.m. as requested.

On motion of Acting President Mathys, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-2) AWARD A REQUIREMENTS CONTRACT FOR OFFICE SUPPLIES (*REMOVED FROM THE AGENDA EARLIER UNDER "APPROVE AGENDA"*)**

Councilmember Perea questioned why the item was removed, with City Clerk Klisch advising an appeal had been filed.

**(1A-1) APPROVE THE EXTENSION OF A TEMPORARY USE PERMIT BY THE CITY OF FRESNO TO SKYWEST AIRLINES, INC. TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI), AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID EXTENSION OF TERM**

**(1A-3) \*RESOLUTION NO. 99-288 - 32<sup>ND</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$2,100 OBTAINED FROM FRESNO CITY COLLEGE AS REIMBURSEMENT OF INSTRUCTIONAL HOUR COSTS FOR CITY OF FRESNO FIRE DEPARTMENT PERSONNEL**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR Items 1A-1 and 1A-3** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

**(1B-1) \*BILL NO. B-64 - ISSUING ONE-TIME RETAIL LICENSES FOR SALE OF SAFE AND SANE FIREWORKS FOR THE PERIOD BETWEEN DECEMBER 26, 1999, AND JANUARY 1, 2000**

**a. RESOLUTION NO. 99-289 - RESCINDING RESOLUTION NO. 99-278 SUPPORTING AB 2090, THE MILLENNIAL CELEBRATION, AND AUTHORIZE THE ONE TIME SALE OF CERTIFIED SAFE AND SANE FIREWORKS FROM 12/26/99 TO 12/31/00**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-64 introduced before the Council and laid over, and the above entitled Resolution No. 99-289 adopted, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea
Absent	:	None

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**(9:30 A.M.) TEFRA HEARING REGARDING THE ISSUANCE AND SALE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OF EQUIPMENT PURCHASE PROGRAM NOTES IN CONNECTION WITH THE INNERSPACE INDUSTRIES, INC. PROJECT**

**1. RESOLUTION NO. 99-290 - APPROVING THE ISSUANCE OF EQUIPMENT ONLY PURCHASE NOTES BY THE CSCDA FOR THE ACQUISITION AND INSTALLATION OF PROPERTY AND FINANCING COSTS FOR THE INNERSPACE INDUSTRIES, INC. PROJECT**

President Steitz announced the time had arrived to consider the issue and opened the hearing. Assistant Controller Carlton stated staff was recommending approval and advised the principal officials of Innerspace Industries were in attendance to answer questions.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-290 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(2A) WORKSHOP ON THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

President Steitz advised it would be more appropriate to postpone the workshop to October 19<sup>th</sup> as staff would have more information at that time.

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the CEQA Workshop laid over to October 19, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(3A) \* RESOLUTION NO. 99-291 - APPROVING A LOAN FROM CERTAIN UGM ACCOUNTS TO FUND DEVELOPMENT OF A GRANTLAND SERVICE AREA AND ESTABLISH AN IMPACT FEE FOR THE RIGHT OF WAY**

A motion to approve the resolution was acted upon after discussion. City Manager Reid reviewed the background and the issue as outlined in the staff report. Councilmember Ronquillo commented on the importance of the sewer line to create future employment opportunities, with Mr. Reid clarifying at issue was the arterial project. President Steitz, as a COG member, briefly commented on the issue emphasizing this was probably one of the most critical transportation projects that the City needed to prepare for and urged Council's support.

Discussion ensued with Mr. Reid and Chief of Design Services Valenzuela responding to Council questions relative to the Grantland-Herndon connections, need to relieve east/west traffic to access Freeway 99, benefitting landowners paying their fair share, consequences if the resolution were not adopted, which crossings the funds would come from, and the expressway being the best use for the area for future anticipated commercial growth.

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-291 approving a loan in the amount of \$200,000 from At-grade Crossing Service Areas A-C and A-E, and appropriating the funds for the development of a Grantland Service Area hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(10:30 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-07 AND REZONING APPLICATION NO. R-99-15, FILED BY THE CITY OF FRESNO, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. CHESTNUT AND E. BEHYMER AVENUES**

- 1. RESOLUTION NO. 99-292 - AMENDING THE WOODWARD PARK COMMUNITY PLAN**
- 2. BILL NO. B-65 - ORDINANCE NO. 99-60 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO C-P/UGM/CZ (PLANNING COMMISSION RECOMMENDATION)**
- 3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-P/UGM/CZ (STAFF RECOMMENDATION)**

Planner Haro reviewed the background of the issue, advised of costs to the City for R-P and C-P zoning, recommended Council approve R-P zoning, and responded briefly to questions relative to separating the rezoning and the Behymer-Chestnut widening issues.

Upon request of Councilmember Bredefeld, Attorney C. William Brewer, representing the affected property owner, reiterated his position on the matter by distributing written material to Council, copies of which are on file in the office of the City Clerk, expressing his opposition to staff's recommendation stating important information and facts were being withheld from Council and elaborated, and responded to questions of Councilmember Bredefeld relative to the issue of "taking" and the memo sign by Development Director Solis. Councilmember Bredefeld stated he was troubled by looking at the documentation, noted Mr. Mackay was promised a number of things which were changed after his death, stressed the City should follow through on the contract made, and made a motion to approve C-P zoning and waive the sewer fee and any required dedication, which motion was seconded by Councilmember Perea.

Discussion ensued with Mr. Brewer, City Attorney Montoy, City Manager Reid and Mr. Haro responding to questions of President Steitz and Councilmember Bredefeld relative to the understanding that staff cannot make commitments on zoning as Council was the ultimate decision-maker, **(3 - 0)** the additional \$100,000 cost to the City/taxpayers if the property were to be rezoned to C-P, legality of "waiving" the sewer connection fee, the Planning Commission's recommendation to not waive the dedication and defer to the time of development, and the February memo being a "commitment" by the City and honoring that commitment. Upon question, Ms. Montoy stated she did not consider a City Planner's commitment as a binding commitment of the City.

Mr. Reid stated serious issues relative to staff's integrity were brought up by Mr. Brewer and expressed his concern; noted much had been done to assist the Mackay project and the development; and explained each issue committed to by staff to Mr. Mackay on what staff was willing to do in order to get his support for the annexation. Upon question of Councilmember Bredefeld, Mr. Reid stated at issue was the waiver of any dedication and not the rezoning adding the waiver would be unjust to the citizens of Fresno.

Councilmember Bredefeld stated it was clear there had been mis-communication and he felt the best approach would be to support the Planning Commission's recommendation, and made a motion to that affect, which was seconded and acted upon after additional discussion.

Mr. Haro responded to questions of Acting President Mathys relative to the cost to develop the Mackay property. Acting President Mathys stated he felt Mrs. Mackay had not been treated fairly, noted all the ramifications were not explained to her, and stressed the upfront costs to develop her property were exorbitant and he could not support the motion.

Mr. Brewer and Ms. Montoy responded to questions of Councilmember Boyajian at length relative to the March letter signed by the City Manager and if Mr. Brewer felt that was a contract, reason for the request for C-P zoning, if the City followed through with all their commitments, if Mr. Brewer disagreed with the City Attorney that there was no binding agreement, development costs for the Mackay property, "waiver" of sewer fees, claim of fraud on the part of the City, why sewer fees could not be "waived", and Council options at this time. Mr. Brewer responded briefly to questions of Mr. Reid relative to current zoning, plans for R-1, and intent for a higher intensity

use and staff's recommendation for R-P. Mr. Reid emphasized Mr. Mackay had been very knowledgeable during negotiations and explained, and reiterated staff's commitments/contract was completed and fully conformed. Mr. Reid briefly responded to questions of Councilmember Bredefeld relative to the February memo and conformance by staff.

A motion and second to call for the question and close debate was approved by a majority vote.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-07, R-99-15, dated July 7, 1999, hereby approved; the above entitled Resolution No. 99-292 hereby adopted; and the above entitled Bill No. B-65 as recommended by the Planning Commission adopted as Ordinance No. 99-60, subject to the conditions contained in the Staff Report dated September 21, 1999, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz
Noes	:	Boyajian, Mathys, Ronquillo
Absent	:	None

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**(11:30 A.M.)** APPEARANCE BY WAYNE HORN TO PRESENT COUNCIL WITH A CARD AND POEM

Appearance and presentation made.

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**(5B)** DIRECT STAFF, IN CONSULTATION WITH THE CITY ATTORNEY, TO DEVELOP A MEASURED GROWTH POLICY FOR THE CITY WHICH WOULD REDUCE ANNUAL HOUSING STARTS BY 10% OF THE AVERAGE ANNUAL HOUSING STARTS FOR THE LAST FIVE YEARS; SAID POLICY SHALL BECOME EFFECTIVE ON JANUARY 1, 2000, AND SUNSET ON THE EFFECTIVE DATE OF THE GENERAL PLAN UPDATE OR THREE YEARS; DIRECT STAFF TO APPROPRIATE NECESSARY FUNDING TO PREPARE THE POLICY FOR ADOPTION - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo reviewed the issue stating this was intended to be an interim measure **(4 - 0)** to address concerns, give Council the opportunity to begin telling constituents (until there was a general plan), that Council wanted to start harnessing uncontrolled growth and regulate it for one, two or three years if needed and elaborated, and stated he felt this was a fair and equitable measure.

City Manager Reid recommended Council obtain an analysis from the City Attorney on the constitutionality and legality of such a program before trying to develop it.

Acting President Mathys stated there was a consensus shown by Council to slow down growth and commented on the need and the importance to get the general plan updated and stick with the plan.

Councilmember Bredefeld stated he appreciated concerns expressed regarding growth and what was being attempted; stressed there were major problems in the city and if developers had to go elsewhere to build he saw no problem with that; stated if Council really wanted to stop development they sometimes had to say "no"; commented



on the need to be consistent in managing growth and development and not be disingenuous when talking about those issues, and recommended the issue be tabled as part of the general plan process and made a motion to postpone the issue indefinitely, which was seconded and acted upon after brief comments.

Councilmember Quintero stated he appreciated Councilmember Ronquillo's intent, and read a letter mailed to Council from the Association of Realtors relative to smart growth and requested it be incorporated and made part of the smart growth issue and general plan process.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Boyajian, Ronquillo
Absent	:	None

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, **Item 5B** postponed indefinitely, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz
Noes	:	Boyajian, Mathys, Ronquillo
Absent	:	None

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#### SUSPENSION OF COUNCIL RULES TO HEAR "UNSCHEDULED ORAL COMMUNICATIONS" - PRESIDENT STEITZ

On motion of President Steitz, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Council rules hereby suspended to hear "Unscheduled Oral Communications" at this time, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

#### UNSCHEDULED ORAL COMMUNICATIONS:

Relative to the prior issue (**Item 5B**), Councilmember Ronquillo stated he needed to respond to what was an obvious attack on what he was trying to do, and commented on the issue of growth at length and emphasized he has been consistent and explained. Councilmember Boyajian noted Council was not anti-development and stated it was going to be hard to determine what "smart growth" was. Acting President Mathys reiterated growth needed to be slowed down and expressed his concern stating items placed on the agenda by other Councilmembers should be given the attention they deserve and not be postponed to close discussion. President Steitz left the meeting at 12:05 p.m. Councilmember Ronquillo began commenting whereupon City Attorney Montoy advised Council was straying from unscheduled oral communications and explained. Upon question of Acting President Mathys, no motion was made to close unscheduled oral communications.

Councilmember Ronquillo continued by displaying a map and emphasizing Council needed to reflect on the entire area from Freeway 99 to north of Herndon and not just the smaller urban reserve area. Councilmember Bredefeld stated in terms of rampant development that had taken place, it was one thing to talk about trying to do something and another thing to make the hard vote to stop it and redirect it.

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**LUNCH RECESS - 12:09 P.M. - 2:04 P.M.**

**(1A-4) APPROVE AN AGREEMENT WITH THE TAYLOR GROUP FOR ARCHITECTURAL SERVICES TO PERFORM A FEASIBILITY STUDY AND COMPARATIVE COST ANALYSIS FOR THE REMODEL AND EXPANSION OF THE CONVENTION CENTER FACILITIES**

**1. \*RESOLUTION - 21<sup>ST</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$43,000 FOR A FEASIBILITY STUDY TO IMPROVE THE CONVENTION CENTER FACILITIES**

Economic Development Coordinator Webster responded to questions of Councilmember Perea and President Steitz relative to the number of firms who responded and their fee, and how and why The Taylor Group was selected. President Steitz made a motion to approve staff's recommendation, which was seconded by Acting President Mathys. Councilmember Perea requested copies of the proposals submitted.

Councilmember Ronquillo requested staff include the closing off of Inyo Street to possibly accommodate a hotel in the future and elaborated, with Mr. Webster stating that could be done. Councilmember Ronquillo expressed his concern with the selection of The Taylor Group noting Mr. Taylor had been adamantly opposed to the new exhibit hall and questioned if he could separate feelings previously expressed. City Manager Reid stated Mr. Taylor was never opposed to the expansion of the Selland Arena and the focus would be on the needs of the arena and the existing facility.

Mr. Reid and Convention Center Director Valdez responded to questions of Councilmember Boyajian relative to the scope of the work to be performed, The Taylor Group's experience, and the process undertaken in selecting the consultant. Discussion ensued with Councilmember Perea stating he would not support the motion as he did not have confidence in The Taylor Group's ability to be objective. Mr. Webster, Mr. Reid and City Attorney Montoy responded to questions of Councilmember Bredefeld relative to the issue not being subject to competitive bid and requirements for that process. **(5 - 0)** Councilmember Bredefeld stated he too remembered his experience with The Taylor Group and he would not support the motion.

Councilmember Quintero questioned the impact of a two week delay in order to obtain the information on the other firms that responded, with Mr. Webster responding and brief discussion ensuing. Councilmember Bredefeld made a motion to deny staff's recommendation, and Councilmember Quintero made a motion to postpone the matter two weeks, with Mr. Reid speaking in opposition to the motion to postpone.

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **Item 1A-4** continued two weeks to October 19, 1999, to obtain additional information, by the following vote:

Ayes : Boyajian, Perea, Quintero, Ronquillo  
Noes : Bredefeld, Mathys, Steitz  
Absent : None

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**(5C) DIRECT THE CITY MANAGER TO RETURN WITH A BUDGET AMENDMENT RESOLUTION TO FUND (1) NORTH AVENUE IMPROVEMENTS FROM HIGHWAY 99 TO FREEWAY 41; AND (2) NEILSEN AVENUE IMPROVEMENTS FROM TEILMAN TO MARKS AVENUES**

Councilmember Ronquillo reviewed the issue and made a motion as outlined in a red tag item which had been distributed to Council relative to North Avenue, which was seconded and responded to by City Manager Reid who also clarified and questioned the various issues in the motion.

Discussion ensued on funding sources for the improvements (state, federal and TEA-21) and options, Teilman Avenue and the matching grant for the Roeding Business Park, and utilizing redevelopment tax increment funds. Councilmember Ronquillo emphasized funding was vitally needed for industrial streets noting there was a way to utilize TEA-21 funds and replace them with Measure C funds; stated the priority of the two streets was North Avenue; and directed staff look into funding sources other than redevelopment funds.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, staff directed to return in two weeks with (1) an engineering report on the cost of improving North Avenue to a standard arterial street, (2) an appropriation resolution restoring the \$1 million that had been included in the FY 2000 budget so Council can reconsider the previous vote that reallocated those revenues to another project, (3) a report on alternatives for advancement of additional revenues necessary to complete the North Avenue arterial improvement, (4) a schedule of project funding and completion over the next 18 months, and (5) a request to COG to prioritize North Avenue, especially as it relates to any new leftover state or federal funding, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5E) \* RESOLUTION - 28<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$9,500 FROM DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A NON-INFRASTRUCTURE RELATED PROJECT TO PURCHASE COMPUTERS FOR FRESNO AREA SCHOOLS (BULLARD TALENT) - COUNCILMEMBER PEREA**

Removed from the agenda at the direction of Councilmember Perea.

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**(5G) \* RESOLUTION NO. 99-293 - 36<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$7,300 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CONVENTION CENTER EXPENSES RELATED TO THE JUBILEE 2000 MILLENNIUM EVENT - COUNCILMEMBER QUINTERO**

Councilmember Quintero briefly reviewed the issue and made a motion to adopt the resolution, which was seconded and acted upon after brief discussion. Upon question of Councilmember Bredefeld, City Manager Reid stated the event was a fund-raising event for the parkway, and Councilmember Ronquillo responded to the fund-raising efforts and the event. Councilmember Bredefeld commended Councilmember Quintero and stated although he would support the issue he felt the group should be able to pay the fees if they were planning to raise \$100,000.

On motion of Councilmember Quintero, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-293 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5H) PROPOSED APPOINTMENT OF SUSAN BECHARA TO THE COMMISSION ON THE STATUS OF WOMEN - PRESIDENT STEITZ**

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the appointment of Susan Bechara to the Commission on the Status of Women introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5J) REQUEST CITY MANAGER TO DIRECT STAFF TO IDENTIFY APPROPRIATE ZONING AND LOCATIONS FOR GREEN WASTE RECYCLING ACTIVITIES - COUNCILMEMBER RONQUILLO**

Councilmember Ronquillo reviewed the issue stating a plan amendment was necessary to pre-identify locations; noted properties with M-3 zoning in the southern part of the city were needed; requested staff move in the same direction as when the race track issue was considered; and stated pre-identification of locations would prevent people like Mr. Green of having to go through the process he went through, and made a motion to direct staff as outlined. City Manager Reid responded stating all procedures necessary to accomplish the request would take time and money, advised this would be a very involved process and explained, and requested guidance, with Councilmember Ronquillo responding.

Dan Green, Green's Recycling, spoke to the issue stating the City already had the necessary laws and regulations in place.

Councilmember Bredefeld concurred zoning was already in place, and stated relative to Mr. Green's situation, the Redevelopment Agency was directed to assist the Green's noting if they could not find an alternate site he would bring back the issue to reconsider the Whitesbridge site.

President Steitz advised a motion was on the floor with no second. Councilmember Ronquillo reiterated there was a need to pre-identify sites and commented on green waste recycling being a new type of operation and on the 50% diversion mandate stressing Council needed to be pro-active with this issue. Upon call, the motion died for lack of a second.

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**(5:45 P.M.)** HEARING ON PLAN AMENDMENT A-99-09 AND REZONING APPLICATION NO. R-99-18 FILED BY CENTRAL PACIFIC BUILDERS, INC. ON BEHALF OF DON ALUISI, ET AL., AND THE CITY OF FRESNO ON BEHALF OF THE CLOVIS UNIFIED SCHOOL DISTRICT AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, PROPERTY LOCATED TO THE NORTHWEST OF THE N. MAPLE AND E. INTERNATIONAL AVENUES INTERSECTION **(REQUEST TO CONTINUE TO 10/19/99, AT 5:45 P.M.)**

President Steitz advised the issue had been continued as noted and requested earlier in the meeting under "Approve Agenda".

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**(2:00 P.M.)** **CLOSED SESSION:**

**(A)** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: 1231-1255 VAN NESS AVENUE; NEGOTIATING PARTIES: CITY OF FRESNO AND GEORGE AGUILAR REPRESENTING THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) AND THE FRESNO COUNTY SHERIFF'S OFFICERS ASSOCIATION (FCSOA); UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT AND OTHER LEASE TERMS AND CONDITIONS

**(B)** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: GABRIEL MORALES, ET AL. V. CITY OF FRESNO, ET AL.

**(C)** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. SHELL OIL COMPANY, SHELL CHEMICAL, ET AL.
2. C.P.C.A. V. CITY OF FRESNO

The City Council met in closed session in Room 2125 at the hour of 3:10 p.m. to consider the above issues and adjourned thereafter.

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## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 4:15 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
ATTEST:

Ken Steitz, Council President

Yolanda Salazar, Assistant City Clerk